

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

H&R BLOCK EASTERN ENTERPRISES, INC,

Plaintiff/Counter-Defendant,

v.

Case No. 2:24-cv-11972
Hon. Laurie J. Michelson
Magistrate Judge Anthony P. Patti

HALLWOOD PLAZA LLC,

Defendant/Counter-Plaintiff,

and

HALLWOOD PLAZA LLC,

Defendant/Cross-Plaintiff,

v.

WILLIE J. ELZY,

Defendant/Cross-Defendant.

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**JOINT MOTION TO COMPEL APPEARANCE OF WILLIE J. ELZY
(WITH INCORPORATED SUGGESTIONS IN SUPPORT)**

Plaintiff/Counterclaim Defendant H&R Block Eastern Enterprises, Inc. (“H&R Block”) and Defendant/Counterclaim Plaintiff Hallwood Plaza LLC respectfully submit this Joint Motion to Compel Appearance of Willie J. Elzy with Incorporated Suggestions in Support. Despite being named as a Defendant in this matter in the First Amended Complaint and having knowledge of this suit, Willie J. Elzy (“Elzy”) has repeatedly failed to participate in this matter, which is prejudicing the Parties. Indeed, H&R Block served Elzy with a deposition subpoena duces tecum and appeared for Elzy’s deposition ready to depose him, but he failed to attend his deposition or provide any documents requested by H&R Block’s subpoena duces tecum. Because Mr. Elzy’s conduct caused the damage at issue, it is necessary that the Court compel his attendance at a hearing before the Court to establish a date certain for his deposition and requiring him to bring with him any auto insurance policy that was in place at the time of the incident or face contempt. In further support of this Motion, H&R Block states as follows:

1. On November 26, 2024, H&R Block filed the First Amended Complaint and Jury Demand. (ECF No. 15.) In the First Amended Complaint, H&R Block asserts counts for negligence and trespass seeking damages for the incident in which Elzy drove a vehicle into H&R Block’s office located in the Hallwood Plaza Shopping Center. (*Id.* at ¶¶ 51-61.)

2. Elzy did not answer or otherwise respond to the First Amended Complaint.

3. Mr. Elzy did not attend the January 27, 2025, Case Management Conference.

4. H&R Block scheduled Elzy's virtual deposition in this case for February 27, 2025, at 10:00 a.m. via Zoom and served him with a deposition subpoena duces tecum for the same. (Ex. 1, Deposition Subpoena Duces Tecum.)

5. On the morning of Elzy's scheduled deposition, counsel for H&R Block spoke with Elzy, and he said that he was not going to attend his deposition or produce the requested documents that day.

6. Because Elzy drove his vehicle into the H&R Block office located at the Hallwood Plaza Shopping Center, any auto insurance Elzy had that was applicable at the time is relevant to this matter and may assist the Parties in resolving this dispute.

7. Moreover, because Elzy's negligent operation of the vehicle is at the heart of the dispute between H&R Block and Hallwood Plaza, the Parties are being prejudiced by Elzy's failure to produce his insurance information, appear for deposition, and otherwise participate in this matter.

8. Counsel for H&R Block have been unable to confer with Elzy regarding this matter due to his failure to participate in this case. Counsel for H&R Block and

Hallwood Plaza have conferred concerning this Motion, and Hallwood Plaza does not oppose the same.

9. Given the central role Mr. Elzy played in this matter and his repeated unwillingness to respond to the pending action and notices, this Court can and should compel Elzy to appear at a scheduled hearing, bring any auto insurance policies that were in place at the time of the August 8, 2023, incident and establish a date certain for his deposition. *See In re Jaques*, 761 F.2d 302, 307 (6th Cir. 1985) (Court formally ordered attorney to appear and entered order finding attorney in contempt for failure to appear).

10. Further, Fed. R. Civ. P. 37(d)(1)(A)(i) enables the Court to issue appropriate sanctions for Elzy's failure to attend his deposition. Under these circumstances, and at this time, the appropriate sanction is an Order compelling Elzy to appear at a hearing with any auto insurance policies that were in place and may provide coverage for the August 8, 2023, incident and establish a date certain for his deposition.

WHEREFORE, H&R Block and Hallwood Plaza move this Court for an order compelling Mr. Elzy to appear at a hearing and bring with him any auto insurance policies he had in place that may provide coverage for the August 8, 2023, incident and establish a date certain for his deposition.

Dated: May 23, 2025

Respectfully submitted,

BERKOWITZ OLIVER LLP

By: /s/ Stephen M. Bledsoe

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2025, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all parties on record, and I hereby certify that I have caused to be served via U.S. mail the foregoing document to the following non-ECF participants:

Willie J. Elzy
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Flint, MI 48505

/s/ Stephen M. Bledsoe
**Attorney for Plaintiff/Counter-
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